

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SPARTON TECHNOLOGY, INC.,
A New Mexico corporation,

Plaintiff,

-vs-

Case No. 02-CV-73819-DT
Hon: AVERN COHN

UTIL-LINK, LLC, a Delaware Limited
Liability Company, NATIONAL RURAL
TELECOMMUNICATIONS COOPERATIVE,
a District of Columbia corporation,

Defendants.

**ORDER DENYING MOTION TO AMEND JUDGMENT
TO INCLUDE PREJUDGMENT INTEREST**

This is a commercial dispute. On November 07, 2005, a jury awarded plaintiff \$494,644.23 for losses suffered because defendants failed to take responsibility for obsolete materials and \$3,087,004.09 for losses suffered because of justifiable reliance on a promise relating to defendants' excess materials responsibility. Plaintiff has moved to amend the judgment entered on the verdict on the same day to include interest from the date of the filing of the complaint to the date of the judgment. While such interest is customarily awarded to a prevailing plaintiff for delay in payment, such an award is not mandatory. There is an element of discretion. See, *Ely v. Turner*, 193 Mich. App. 244 (1992).

Given that the jury found defendants did not breach an agreement to purchase additional LINKS, the subject matter of the contractual relationship of the parties, and in the particular of the circumstances of this case, the Court exercises its discretion not to award prejudgment interest.

The motion to amend the judgment is DENIED.

Still pending is defendants' motion for judgment as a matter of law, or in the alternative, for a new trial.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: January 31, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 31, 2006, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager
(313) 234-5160

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